

REMARKS

The Office Action dated September 21, 2005 has been read and carefully considered and the present amendment submitted in order to better define the invention as set forth in the newly amended claims.

In the Office Action, claims 1-6 and 13-19 were rejected under 35 U.S.C. 102(b) as being anticipated by Kronenberger, U.S. Patent 5,321,854. Claims 1, 3, 6, 7, 10, 12, 13 and 15 and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by Kang, U.S. Patent Des. 96,496. Claims 8, 9 and 11 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claims and any intervening claims. Applicant appreciates the indication of allowable subject matter in the application.

As such, all of the independent claims have been amended to better define the present invention over the cited references by specifically reciting that the said flaps each have inner edges and lower edges wherein the lower edges have elongated securing means in the form of a hook and loop fastening system that is located and extends substantially along the entire length of lower edges of said flaps. Thus, in accordance with the language of claims 8 and 9 that were indicated as being allowable, Applicant has now added the limitation of those claims 8 and 9 into independent claims 1, 7 and 13.

Applicant has now drafted the claims to the preferred embodiment wherein the lower edges of the flaps have the hook and loop fastening system substantially along the entire length of the lower edges so that the lower edges are joined together in accordance with the desired opening to fit the amount of hair that passes through the opening formed when the flaps are joined together by the fastening system. As such, by the use of the hook and loop system, the securing of the lower edges of the flaps enable the user to easily adjust the size of the opening for the hair to fit a particular individual.

As can be seen, the present cap has the securing means located along the lower edge of the flaps and not along the inner edges of the flaps that face each other in

contradistinction to the Kronenberger cap that has no such elongated securing means located substantially along its entire lower edge. Kronenberger has its securing means along the inner edge and not the lower edge and it would seem to be inconsistent in the structure of a cap between the two different locations.

The Kang reference is also not pertinent to the newly amended claims for the same reasons as it has no elongated securing means in the form of a hook and loop fastening system located substantially along the entire length of the lower edge of any flaps that secure the flaps together in forming a cap and also in forming an opening therein. Again, there would be no particular need to add a hook and loop fastening system that is located substantially along the lower edge of the Kang flaps since there is no mention or suggestion in Kang that the opening that is provided in the Kang sunhat is intended to have the hair of the user pass therethrough such as is intended by the present invention.

Accordingly, it is submitted that with the presently amended claim language, the claims of the present application are now in condition for allowance and an allowance of the application is respectfully solicited.

Respectfully submitted,



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